APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,976	04/13/2004	Stephen Saylor	1104-063	5330

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EXAMINER
VIG, NARESH

ART UNIT	PAPER NUMBER
3629	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>07 October 2010</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>26-28,30-35,37-41 and 43-45</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>26-28,30-35,37-41 and 43-45</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This is in reference to communication received 07 October 2010. Claims 26 – 28,

30 – 35, 37 – 41 and 43 – 45 are pending for examination.

Response to Arguments

Applicant's arguments and concerns are for amended claims which have been

responded to in response to the pending claims.

Information Disclosure Statement

The information disclosure statement filed 25 October 2010 fails to comply with

37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance,

as it is presently understood by the individual designated in 37 CFR 1.56(c) most

knowledgeable about the content of the information, of each of the 776 documents

listed. It has been placed in the application file, but the information referred to therein

has not been considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claims 26 – 28, 30 – 35, 37 – 41 and 43 – 45 rejected under 35 U.S.C. 112,
second paragraph, as being vague to determine the scope of the subject matter which
applicant regards as the invention.

As currently claimed, it is not clear whether the portable image capture device is
programmed with plurality of template identifiers and input identifier associated with
each of the template identifiers,

How does the computer know which input identifier is the data associated when
input identifier associated with the data is not communicated to the computer along with
the first template identifier and the first data to be integrated at the proper location in the
first template

How capturing of the second data and storing of the captured second data is associated
with the generation of the report at the computer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 26 – 28, 30 – 35, 37 – 41 and 43 – 45 are rejected under 35

U.S.C. 103(a) as being unpatentable over Ajamian et al. US Publication

2004/0064345 in view of Wright Jr. US Patent 5,704,029 and Tsunoda US Patent

7,466,347.

Regarding claims 26, 33 and 40, Ajamian teaches capability and concept of

generating of a report/document at a server with the data including Notes, Diagrams

and Photos which are uploaded to the server from a remote site [Ajamian, Fig. 2 and

disclosure associated with the Figure. Ajamian does not explicitly recite, using a list by a

vendor for collection information, however, Ajamian teaches capability and concept

wherein vendor collects required information to document the claim. Wright teaches

capability and concept to automate and simplify the process of creating and accurately,

quickly, and completely filling-in a business form (generating business document) to

automate and simplify the process [Wright, col. 3, lines 8 – 12]. Wright teaches using

portable device to gather information. Wright does not explicitly recite that the portable

device is an image capture device. However, Wright teaches that user can connect a

camera to the portable device to capture image [Wright, col. 7, lines 27 – 32] (**In addition, it is old and known that portable devices like PDAs with the capability of running applications had a camera attached to capture images**). Tsunoda teaches capability and concept for using a portable digital camera (**i.e. portable image capture device**) to capture image and generate electronic document (**i.e. computing device integrated with a image capture device**) [Tsunoda, col. 1, lines 39 – 46, col. 2, lines 1 – 10].

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Ajamian by adopting teachings of Wright and Tsunoda to standardize a list of required information which their vendor must provide to generate a complete claim document; ensure that vendor has provided the required information; reduce operational costs by outsourcing information collection to local vendors; apply a known technique to a known device (method, or product) ready for improvement to yield predictable results; known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art;

Ajamian in view of Wright and Tsunoda teaches capability and concept for:

collecting data for use in generating a document [Ajamian, Fig. 2 and disclosure associated with the Figure];

selecting, via a portable image capture device, a first template identifier stored in the portable image capture device, wherein the first template identifier identifies a first

template that is not stored in the portable image capture device (Ajamian vendor uses

an interactive form which informs Ajamian Vendor what information to collect [Ajamian,

Fig. 2; Wright Fig. 8 and disclosure associated with the Figure; Tsunoda, col. 28, lines

28 – 50];

obtaining, by the portable image capture device, from a memory in the portable

image capture device, a first input identifier associated with the first template identifier,

wherein the first input identifier identifies a first location in the first template and

comprises a first prompt for prompting a user to capture first data [Ajamian, Fig. 2;

Wright Fig. 8, 9a-b and disclosure associated with the Figure; Tsunoda, col. 28, lines 28

– 50; Wright, col, 28, lines 39 – 40; used in any application in which data is collected

procedurally or algorithmically];

based on the first input identifier, prompting, by the portable image capture

device, the user to capture the first data [Ajamian, Fig. 2; Wright Fig. 8, 9a-b and

disclosure associated with the Figure, Tsunoda, col. 28, lines 28 – 50; Wright, col, 28,

lines 39 – 40; used in any application in which data is collected procedurally or

algorithmically, Wright teaches executing a script when the required data type requires

script to be executed];

storing, by the portable image capture device, the first data in the portable image

capture device in association with the first input identifier [Wright, col. 7, lines 33 – 39]

and

communicating the first template identifier and the first data to a computer on which the first template is stored for integration of the first data into the first template [Ajamian, Fig. 2 and disclosure associated with the Figure].

Regarding claims 27, 34 and 41, Wright in view of Tsunoda teaches capability and concept of:

Obtaining, from a memory in the portable image capture device, a second input identifier associated with the first template identifier, wherein the second input identifier identifies a second location in a second template and comprises a second prompt for prompting the user to capture second data [Ajamian, Fig. 2; Wright Fig. 8, 9a-b and disclosure associated with the Figure; Tsunoda, col. 28, lines 28 – 50; Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically];

based on the second input identifier, prompting the user to capture the second data [Ajamian, Fig. 2; Wright Fig. 8, 9a-b and disclosure associated with the Figure, Tsunoda, col. 28, lines 28 – 50; Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically, Wright teaches executing a script when the required data type requires script to be executed]; and

storing the second data in the portable image capture device in association with the second input identifier [Ajamian, Fig. 2; Wright Fig. 8, 9a-b and disclosure associated with the Figure, Tsunoda, col. 28, lines 28 – 50; Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically,

Wright teaches executing a script when the required data type requires script to be
executed].

    Regarding claims 28, 35, Wright in view of Tsunoda teaches capability and
concept of:

    communicating the first template identifier, the first data and the second data to a
computer [Ajamian, Fig. 2; Wright Fig. 8, 9a-b and disclosure associated with the
Figure, Tsunoda, col. 28, lines 28 – 50; Wright, col, 28, lines 39 – 40; used in any
application in which data is collected procedurally or algorithmically, Wright teaches
executing a script when the required data type requires script to be executed];

    integrating, by the computer, the first data into the first template at the first
location [Ajamian, Fig. 2; Wright Fig. 8, 9a-b and disclosure associated with the Figure,
Tsunoda, col. 28, lines 28 – 50; Wright, col, 28, lines 39 – 40; used in any application in
which data is collected procedurally or algorithmically, Wright teaches executing a script
when the required data type requires script to be executed]; and

    integrating the second data into the first template at the second location to
generate the document [Ajamian, Fig. 2; Wright Fig. 8, 9a-b and disclosure associated
with the Figure, Tsunoda, col. 28, lines 28 – 50; Wright, col, 28, lines 39 – 40; used in
any application in which data is collected procedurally or algorithmically, Wright teaches
executing a script when the required data type requires script to be executed].

Regarding claims 30, 37 and 43, Wright in view of Tsunoda teaches capability and concept wherein the first data can comprise image data, and prompting the user to capture an image via the portable image capture device [Ajamian, Fig. 2; Wright Fig. 8, 9a-b and disclosure associated with the Figure, Tsunoda, col. 28, lines 28 – 50; Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically, Wright teaches executing a script when the required data type requires script to be executed], and wherein the second data can comprise textual data, and prompting the user to enter the textual data via the portable image capture device [Ajamian, Fig. 2; Wright Fig. 8, 9a-b and disclosure associated with the Figure, Tsunoda, col. 28, lines 28 – 50; Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically, Wright teaches executing a script when the required data type requires script to be executed].

Regarding claims 31, 38 and 44, Wright in view of Tsunoda teaches capability and concept wherein the first data can comprise first image data, and prompting the user to capture a first image via the portable image capture device [Ajamian, Fig. 2; Wright Fig. 8, 9a-b and disclosure associated with the Figure, Tsunoda, col. 28, lines 28 – 50; Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically, Wright teaches executing a script when the required data type requires script to be executed], and wherein the second data can comprise second image data, and prompting the user to capture a second image via the portable image capture device [Ajamian, Fig. 2; Wright Fig. 8, 9a-b and disclosure associated

with the Figure, Tsunoda, col. 28, lines 28 – 50; Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically, Wright teaches executing a script when the required data type requires script to be executed].

Regarding claims 32, 39 and 45, Wright in view of Tsunoda teaches capability and concept for selecting, via the portable image capture device, the first template identifier from a plurality of template identifiers [Ajamian, Fig. 2; Wright Fig. 8, 9a-b and disclosure associated with the Figure, Tsunoda, col. 28, lines 28 – 50; Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically, Wright teaches executing a script when the required data type requires script to be executed].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Kim US Patent 6,999,802

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jamisue Plucinski can be reached on (571) 272-6811. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                                      /Naresh Vig/
December 19, 2010   Primary Examiner, Art Unit 3629